

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION

UNITED STATES OF AMERICA

v.

THOMAS JOHN DULL

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Case No. 1:13CR00036

MOTION TO REDACT CO-DEFENDANTS' STATEMENTS
AND MEMORANDUM

Comes now the Defendant, Thomas John Dull, by and through counsel, and moves this Court to redact any and all statements given by the co-defendants in this action (if any there be) which may in any form implicate Mr. Dull in any criminal activity or enterprise and who proceed to trial.

WHEREFORE, Defendant, Thomas John Dull, prays for an Order redacting any and all statements by the co-defendants, and, furthermore, for an Order to the United States Attorney, his assistants, and government's witnesses not to mention, directly or indirectly, the subject matter of any statement by the co-defendants which may implicate Defendant Dull.

MEMORANDUM

Bruton v. United States, 391 U.S. 123 (1968), held that when a co-defendant does not testify, his statement cannot be used against another accused since this would deny the accused his Sixth Amendment Right of Confrontation and Cross-examination.

Respectfully submitted,

THOMAS JOHN DULL

By: /s/Douglas L. Payne
DOUGLAS L. PAYNE
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing motion was electronically filed and will be forwarded to Zachary T. Lee, Assistant United States Attorney, this 3rd day of June, 2014.

/s/Douglas L. Payne
DOUGLAS L. PAYNE